



FROM COUNSEL

A Preventive Law Service of the Fort Riley Legal Assistance Office
Keeping You Informed On Personal Legal Affairs

COMPASSIONATE REASSIGNMENTS

REFERENCES:

- AR 614-100, Officer Assignment Policies, Details, and Transfers, 10 January 2006
- AR 614-200, Enlisted Assignments and Utilization Management, 26 February 2009

ENLISTED

Q: WHAT IS A COMPASSIONATE REASSIGNMENT?

A. Compassionate actions are requests from individual Soldiers when personal problems exist. These personal problems are either temporary (can be solved within one year) or a problem that is not expected to be solved within one year. Soldiers may be reassigned, deleted or deferred from assignment instructions, or attached as a result of an approved compassionate request. Soldiers requesting reassignment may be assigned to an area other than their requested geographical preference based on availability of medical services and the needs of the Army. The soldier's personnel branch has authority to grant or deny the request. Compassionate consideration will be given for problems that cannot be resolved through the use of leave, correspondence, power of attorney, or the help of family members or other parties.

Q: WHO SUBMITS A REQUEST FOR COMPASSIONATE REASSIGNMENT?

A. Compassionate requests must be initiated by the individual Soldier concerned through submission of DA Form 3739. Commanders who are General Court-Martial Convening Authorities (GCMCAs) will review each application to determine that the established criteria has been met. Requests that do not meet standards for a change in assignment will not be approved by the GCMCA. Applications that are not approved will be returned to Soldiers. Reasons for disapproval will be specified. Soldiers are not authorized to submit more than one request for reconsideration for the same or similar extreme family problem. If approved, the request for compassionate action will be forwarded to the HRC via e-mail: HRC.EPMD.compassionatesection@conus.army.mil.

Q: WHO CAN BE CONSIDERED WHEN SUBMITTING A REQUEST FOR COMPASSIONATE REASSIGNMENT?

A: Compassionate consideration will be given only for Family members. A Family member includes spouse, child, parent, minor brother or sister, person in loco parentis, or the only living blood relative of the Soldier. Other persons, including parents-in-law, may also be considered provided they are documented as authorized Family members (see AR 600-8-14). If the problem is based on conditions of the parents-in-law, there must be no other Family members of the spouse's Family to help solve the problem.

Q: DOES MY MOS OR RANK MATTER WHEN SUBMITTING A REQUEST FOR COMPASSIONATE REASSIGNMENT?

A: There must be a valid MOS and grade authorization at the requested installation or activity. HRC may waive the MOS and grade authorization when a valid MOS and grade authorization does not exist at the requested installation or activity and the Office of the Surgeon General has recommended approval. Waiver of MOS and grade authorization will only apply to extreme cases involving the Soldier's spouse or child.

Q: WHAT WILL USUALLY NOT SUFFICE AS THE SOLE REASON FOR A COMPASSIONATE REASSIGNMENT?

A: Normally, the following conditions alone are not a basis for a compassionate reassignment:

1. Soldier's desire is to be in a new area.
2. Divorce or separation that is the result of Family separation due to military requirements.
3. Legal actions and court appearances for matters relating to divorce and/or child custody issues.
4. Recent awarding of custody of dependent child or children to the Soldier under the terms of a divorce or legal separation by temporary or permanent court order.
5. Sole parenthood.
6. Pregnancies involving threatened miscarriage, breech birth, cesarean section, or Rhesus factor incompatibility of spouse.
7. The problem expected to be resolved by Family members joining the Soldier at their duty station.
8. Minor allergies suffered by the members of the Family due to climatic conditions.
9. Problems relating to home ownership or housing shortages.
10. Financial problems alone or as the result of mismanagement of financial affairs by the Soldier or the Soldier's Family or problems related to an off-duty job, spouse's job, or private business activities.
11. Chronic problems relating to parents or parents-in-law.

OFFICERS

Q: IS THE PROCESS ANY DIFFERENT FOR AN OFFICER?

A: Officers who have extreme family problems that can only be alleviated by an assignment to a particular geographical area may request reassignment, deletion, or deferment for the reasons listed below:

1. An extreme family problem that necessitates the officer's reassignment to a particular geographical area; or
2. An extreme family problem that is not expected to be resolved within 90 days; or
3. An extreme family problem that is temporary and can be resolved within 90 days; or
4. Emergency conditions.

Q: WHAT IS THE APPLICATION PROCEDURE?

A: A request for a change in assignment will be submitted by the officer on a DA Form 4187 with a completed DA Form 483 as an enclosure. If the officer includes a self-addressed DA Form 209 (Delay, Referral, or Follow-up Notice), it will be returned when the request arrives in HQDA. Endorsement should include appropriate recommendations to the first commander in the chain of command exercising GCMCA. Applications originated by persons on behalf of

the officer will not be accepted. Endorsing commands will make appropriate recommendations with justifying remarks (when indicated) and state whether a replacement is required if the request is approved. Recommendations of approval that contain the statement "contingent upon the arrival of a replacement," will be considered without the contingency. Unless a specific date of availability is shown, an officer will be considered immediately available.

Q: WHAT MUST AN APPLICATION CONTAIN?

A: Applications must be accompanied by supporting evidence indicating that the following conditions exist:

1. The problem can be alleviated only by the officer's presence in a particular geographic locality and cannot be solved through the use of leave (including emergency leave if the officer is overseas).
2. The problem is expected to be resolved within a reasonable time. The condition or situation affecting the officer's family may be permanent or continuing; however, the problem created by the situation must be resolved within a reasonable period of time, normally less than 1 year.
3. The problem neither existed nor was reasonably foreseeable at the time of the officer's latest entry on active duty.

Medical problems. A signed statement from the attending physician setting forth the specific medical diagnosis and prognosis of the illness, including life expectancy if the illness is terminal. The statement should list any other factors deemed pertinent to establish the officer's presence as essential and to show how the officer's presence will have a bearing on the medical condition. The evidence supporting the request will be referred to local military surgeons for evaluation and recommendations. Evaluation will include consideration of the following factors:

1. Current mortality trends for the disease or medical condition.
2. Prognosis for recovery from the disease or solution to the medical problem within a reasonable period of time, normally 1 year.
3. Expected effect of reassignment on the medical problem.

Legal problems. A signed statement from an attorney describing the problem and the reasons why alternative solutions will not resolve the problem. Duplicate copies of court orders, divorce decrees, or other legal documents will be submitted. If the attorney is a civilian, the material will be referred to the local Staff Judge Advocate for evaluation and recommendations.

Q: WHO IS THE APPROVAL AUTHORITY FOR THE COMPASSIONATE ACTION?

A: Commanders having GCMCA over an officer submitting a request will evaluate each application to determine if the established standards have been met. The GCMCA will evaluate each application within 90 days to determine if the individual meets the criteria established. Cases involving medical or legal problems should be referred to the local surgeon or the Staff Judge Advocate for evaluation and recommendations. The GCMCA may disapprove those cases that do not clearly meet the criteria. Disapproved applications will be returned to the officer stating the reasons his or her request does not meet the established criteria. Applications will ultimately be forwarded to the Commander, HRC, who approves or disapproves requests for reassignment, deletion, or deferment submitted by commissioned and warrant officers of the basic and AMEDD branches.

Q: WHAT ARE THE GUIDELINES FOR APPROVAL OR DISAPPROVAL?

A: A valid requirement should exist at the requested activity to which the officer requests assignment. In situations where a valid requirement does not exist and the command has exhausted other means of resolving the problem, the officer should be advised to seek a hardship discharge. If the officer's request is denied and a hardship discharge has been requested, the officer will be granted the hardship discharge by the appropriate approval authority.

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